

AMENDED IN SENATE MAY 24, 2004

AMENDED IN SENATE MAY 11, 2004

AMENDED IN SENATE MAY 3, 2004

SENATE BILL

No. 1590

Introduced by Senator Dunn

February 20, 2004

An act to add Section 6254.18 to the Government Code, relating to public records.

LEGISLATIVE COUNSEL'S DIGEST

SB 1590, as amended, Dunn. Public records: personal information.

The existing California Public Records Act provides that, except for exempt records, every state or local agency, upon request, shall make records available to any person upon payment of fees to cover costs.

This bill would exempt from disclosure under these provisions any personal information received, collected, or compiled by specified public agencies regarding the employees, volunteers, board members, *owners, partners*, officers, or contractors of a reproductive health services facility, as defined. The bill would specify how those individuals may request nondisclosure of the information and would specify other restrictions on the use of the information.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. The Legislature hereby finds and declares all of
2 the following:

1 (a) No health care worker should be subject to the risk of
2 threats, assaults, or physical harm in order to provide any legal
3 medical procedure.

4 (b) A 2000 survey of providers ~~or of~~ reproductive services
5 conducted by the Senate Office of Research found that, from 1995
6 through 2000, half of health care workers providing reproductive
7 services experienced a crime consisting of threats of violence and
8 vandalism.

9 (c) Threats of violence, stalking, and vandalism have extended
10 beyond reproductive service providers to also target their family
11 members and supporters.

12 (d) The personal information used to target the victims of these
13 crimes often is obtained by making a request for public records
14 from a government agency.

15 (e) The high incidence of violence against reproductive service
16 providers is one of the primary reasons why access to reproductive
17 health services has become increasingly difficult.

18 SEC. 2. Section 6254.18 is added to the Government Code, to
19 read:

20 6254.18. (a) Nothing in this chapter shall be construed to
21 require disclosure of any personal information received, collected,
22 or compiled by a public agency regarding the employees,
23 volunteers, board members, *owners, partners*, officers, or
24 contractors of a reproductive health services facility if the personal
25 information is contained in a document that relates to the facility.

26 (b) For purposes of this section:

27 (1) "Personal information" means any information that is
28 maintained by a public agency that identifies or describes an
29 individual, including, but not limited to, his or her name, social
30 security number, physical description, home address, home
31 telephone number, education, financial matters, medical or
32 employment history, electronic mail address, and information that
33 reveals any electronic network location or identity.

34 (2) "Public agency" means all of the following:

35 (A) The State Department of Health Services.

36 (B) The Department of Consumer Affairs.

37 (C) The Department of Managed Health Care.

38 (3) "Reproductive health services facility" means ~~a hospital,~~
39 ~~clinic, physician's office, or other facility that provides or seeks to~~
40 ~~provide reproductive health services, as defined in subdivision (f)~~

~~of Section 423.1 of the Penal Code. the office of a licensed physician and surgeon whose specialty is family practice, obstetrics, or gynecology, or a licensed clinic, where at least 50 percent of the patients of the physician or the clinic are provided with family planning or abortion services.~~

(c) In order for this section to apply to an individual who is an employee, volunteer, board member, officer, or contractor of a reproductive health services facility, the individual shall notify the public agency to which his or her personal information is being submitted or has been submitted that he or she falls within the application of this section. The reproductive health services facility shall retain a copy of all notifications submitted pursuant to this section. This notification shall be valid if it complies with all of the following:

(1) Is handwritten by the person who signs it or is in a typeface no smaller than 14-point type on the official letterhead of the facility.

(2) Is clearly separate from any other language present on the same page and is executed by a signature that serves no other purpose than to execute the notification.

(3) Is signed and dated by both of the following:

(A) The individual whose information is being submitted.

(B) The executive officer of the reproductive health services facility.

(d) The privacy protections for personal information authorized pursuant to this section shall be effective from the time of notification pursuant to subdivision (c) until either one of the following occurs:

(1) Six months after the date of separation from a reproductive health services facility for an individual who has served for not more than one year as an employee, contractor, volunteer, board member, or officer of the reproductive health services facility.

(2) One year after the date of separation from a reproductive health services facility for an individual who has served for more than one year as an employee, contractor, volunteer, board member, or officer of the reproductive health services facility.

(e) Within 90 days of separation of an employee, contractor, volunteer, board member, or officer of the reproductive health services facility who has provided notice to a public agency

1 pursuant to subdivision (c), the facility shall provide notice of the
2 separation to the relevant agency or agencies.

3 (f) Nothing in this section shall prevent the disclosure by a
4 government agency of data regarding age, race, ethnicity, national
5 origin, or gender of individuals whose personal information is
6 protected pursuant to this section, so long as the data contains no
7 individually identifiable information.

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